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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMES RUANGSANG REINHOLDT, JR.,

Petitioner,

v.

STATE OF WASHINGTON DEPARTMENT
OF CORRECTIONS,

Respondent.

Case No. C09-5049 RBL/KLS

ORDER TO AMEND PETITION

This habeas corpus petition has been referred to United States Magistrate Judge Karen L. Strombom pursuant to Title 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. Petitioner James Ruangsang Reinholdt, Jr. seeks federal habeas corpus relief pursuant to 28 U.S.C. § 2254. Dkt. # 1-2.

The Court notes that Mr. Reinholdt has failed to name the correct Respondent, thereby depriving this Court of personal jurisdiction. *United States v. Giddings*, 740 F.2d 770, 772 (9th Cir. 1984). 28 U.S.C. § 2243 requires that writs are to be directed “to the person having custody of the person detained.” The proper respondent in a federal habeas corpus petition is the petitioner’s

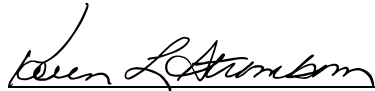
1 “immediate custodian.” *Demjanjuk v. Meese*, 784 F.2d 1114, 1115 (D.C.Cir. 1986). A custodian “is
2 the person having a day-to-day control over the prisoner. That person is the only one who can
3 produce ‘the body’ of the petitioner.” *Guerra v. Meese*, 786 F.2d 414, 416 (D.C.Cir. 1986).

4 Therefore, Mr. Reinholdt’s custodian for purposes of his habeas corpus petition challenging
5 the execution of his Washington state sentence, is the warden of the prison where he is currently
6 confined. *See, e.g., Brittingham v. United States*, 982 F.2d 378 (9th Cir. 1992); *Dunne v. Henman*,
7 875 F.2d 244, 249 (9th Cir. 1989).

8 Accordingly, it is **ORDERED**:

- 9 (1) Mr. Reinholdt shall amend his petition to name his immediate custodian and warden
10 and shall provide the Court with two copies of the first page of the Petition reflecting
11 the properly named Respondent for service **on or before April 3, 2009**.
- 12 (2) The Court Clerk is directed to send a copy of this Order and a form 28 U.S.C. § 2254
13 petition to Mr. Reinholdt, and to note this matter for the Court’s **April 3, 2009**
14 calendar.

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16 DATED this 12th day of March, 2009.

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19 Karen L. Strombom
20 United States Magistrate Judge
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